

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No 05-1037-A5; (EX04-072C-US))

In the Application of:)
Francis-Lang *et al.*)
Serial No.: 10/580,131) Examiner: Goddard, Laura
Filing Date: July 18, 2008) Group Art Unit: 1642
For: PLKs as Modifiers of the Beta-Catenin) Confirmation No. 4871
Pathway and Methods of Use)

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is filed in response to the restriction requirement mailed on November 10, 2009, in the above-mentioned application. Applicants submit herewith a petition for a four month extension of time and the appropriate fee. It is believed that no further fee is due in connection with this filing. However, if a fee is due the Commissioner is authorized to charge our deposit account 13-2490.

Restriction Requirement

With respect to the restriction requirement, Applicants hereby elect with traverse Group I, allegedly drawn to a method of identifying a candidate beta-catenin pathway modulating agent comprising, *inter alia*, providing an assay system comprising a PLK polypeptide or nucleic acid, for prosecution on the merits. The claims readable thereon are claims 1-12 and 16-19.

With respect to the species restriction requirement for a PLK assay system (section A), Applicants hereby elect with traverse, an assay system comprising a PLK nucleic acid, for prosecution on the merits. The claims readable thereon are claims 1-3, 6, 8-12, and 16-
19.

With respect to the species restriction requirement for an assay system (section B), Applicants hereby elect with traverse, a cell proliferation assay, for prosecution on the merits. The claims readable thereon are claims 1-3, 6, 8-12, and 16-19.

With respect to the species restriction requirement for method steps (section C), Applicants hereby elect with traverse, a method of claim 1 further comprising steps (d)-(f) of claim 16, for prosecution on the merits. The claims readable thereon are claims 1 and 16-19.

With respect to the species restriction requirement for a second assay system (section D), Applicants hereby elect with traverse, a cell culture assay system, for prosecution on the merits. The claims readable thereon are claims 1 and 16-17.

With respect to the species restriction requirement for a first assay system (section E), Applicants hereby elect with traverse, a cell culture assay system, for prosecution on the merits. The claims readable thereon are claims 1-12 and 16-17.

As stated in the Restriction Requirement, upon allowance of a generic claim Applicants will be entitled to consideration of claims to additional species which depend from or otherwise require all of the limitations of an allowable generic claim as provided by 37 CFR 1.141.

Conclusion

If the Examiner has any questions regarding this response, she is invited to call the undersigned attorney.

Respectfully submitted,

Dated: April 12, 2010

/Anita J. Terpstra/
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